

**REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 30-39 are pending.

**37 C.F.R. § 131 Declaration**

Applicant submits herewith another Declaration under 37 C.F.R. §1.131 and supporting documentation to evidence that the invention was conceived in the United States prior to July 1999, which predates the Dougherty reference (7/1/1999). For example, as stated in the co-filed declaration, the document "Push Model XML Parser/Node Factory", which was prepared prior to July 1, 1999, provides support for the recited features, examples of which include parsing (e.g., pages 2-4), converting (e.g., pages 10-13), validating (e.g., pages 7, 14 and 19-20) and constructing (e.g., pages 2, 7, 9, 14 and 19-20). Accordingly, the Dougherty reference should be removed as it is not prior art.

**35 U.S.C. § 103**

In the Action, Claims 30-39 were rejected under 35 U.S.C. § 103 as being unpatentable over Dougherty and further in view of Authority. Applicant respectfully traverses the rejection in view of the 131 Declaration, which removes the Dougherty reference. Because the Dougherty reference was asserted in each of the rejections, the §103 rejection should be withdrawn.

1        **Conclusion**

2        Claims 30-39 are in condition for allowance. Applicant respectfully  
3 requests reconsideration and prompt allowance of the subject application. If any  
4 issue remains unresolved that would prevent allowance of this case, the Examiner  
5 is requested to contact the undersigned attorney to resolve the issue.

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7        Respectfully Submitted,

8        Date: 8/18/05

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